

Application No.: 10/771,679
In Reply to USPTO Correspondence of May 5, 2004
Paper Dated: July 1, 2004
Attorney Docket No.: 3896-032105 (P-6057)



now fee
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/771,679
Applicants : Judith Reichenbach et al.
Filed : February 3, 2004
Title : CONTAINER ASSEMBLY AND METHOD FOR MAKING
ASSEMBLY
Group Art Unit : 1744
Examiner : Not Yet Assigned

PETITION TO RESCIND NOTICE TO FILE MISSING PARTS

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-referenced application was filed with the U.S. Patent and Trademark Office on February 3, 2004 by Express Mail certification. Included with the filing of the application was a Patent Application Transmittal Letter, the application itself, a Declaration, an Assignment including a recordation coversheet, and two checks in the amounts of \$1,446.00 to cover to the filing fee and \$40.00 to cover the assignment fee respectively. Also included was a return receipt postcard indicating each of the above items thereon. On February 16, 2004, Applicant's undersigned representative received the return receipt postcard, including the application serial number as well as the filing date stamped thereon.

I hereby certify that this paper or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 1, 2004.

Michelle Pichora
(Name of Person Mailing Paper)

Michelle Pichora 07/01/04
Signature Date

Application No.: 10/771,679
In Reply to USPTO Correspondence of May 5, 2004
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On May 5, 2004, the U.S. Patent and Trademark Office issued a Notice to File Missing Parts of Nonprovisional Application indicating that the Oath or Declaration is missing from the application, and requiring submission of a properly signed Oath or Declaration, along with the \$130.00 late surcharge fee.

Applicants respectfully request that the Notice to Filing Missing Parts be rescinded, as the application was complete upon filing. In particular, Applicants enclose herewith a copy of the Declaration as filed with the application on February 3, 2004. Applicants also enclose a copy of the return receipt postcard as received from the U.S. Patent and Trademark Office and date stamped with a filing date of February 3, 2004, confirming receipt of all documents filed with the application. As is evident from this return receipt postcard, the Declaration was included with the application and was received by the U.S. Patent and Trademark Office. Please accept this return receipt postcard as evidence of submission of the Declaration and receipt thereof by the United States Patent and Trademark Office on February 3, 2004 along with the application filing papers.

In view of this submission and the evidence presented herein, Applicants further request that the \$130.00 late declaration surcharge fee be waived, as the Declaration was clearly filed in a timely manner along with the filing of the application.

Additionally, since this error was on the part of the U.S. Patent and Trademark Office as evidenced by the return receipt postcard demonstrating receipt of the Declaration, Applicants respectfully request waiver of the petition fee of \$130.00 for filing this petition. Should the Petitions Branch fail to waive this fee, please charge any fee associated with this Petition to our Deposit Account No. 23-0650.

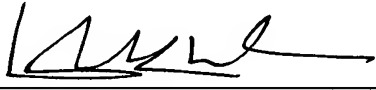
In addition, should the present Petition not be granted, Applicants respectfully request that a copy of this paper be forwarded to the Initial Examining Division along with the copy of the Declaration as originally filed, with an authorization to charge the \$130.00 late declaration surcharge fee to our Deposit Account No. 23-0650. A copy of the Notice of Missing Parts is also enclosed herewith.

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Applicants respectfully request that any questions be directed to Applicants' undersigned attorney who can be reached by telephone at (412) 471-8815.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By _____

Kirk M. Miles
Registration No. 37,891
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/771,679	02/03/2004	Judith Reichenbach	3896-040076 (P-5974)

CONFIRMATION NO. 4034

FORMALITIES LETTER



OC000000012534213

32182
 THE WEBB LAW FIRM/BECTON, DICKINSON AND COMPANY
 700 KOPPERS BUILDING
 436 SEVENTH AVENUE
 PITTSBURGH, PA 15219

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

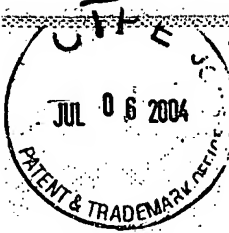
*A copy of this notice **MUST** be returned with the reply.*

DTG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



The dating stamp of the Patent Office on this card will be taken as an indication that the accompanying paper was filed.

Applicant: Judy Reichenbach, Jay White and Dimitrios Manoussakis
Title: "Container Assembly and Method for Making Assembly"
Express Mail Certificate (1 p.); Utility Patent Application Transmittal (1 p.);
Patent Application Fee Transmittal (1 p.-in trip.);
Pgs. of Spec.: 17 pp Claims: 8pp. Drawings: 16 pp. Abstract: 1 p.
Declaration and Power of Attorney (4 pp.); Assignment (6 pp.)
Small Entity No
Atty's File: 3896-040076 (P-5974)
Date: February 3, 2004
Checks: \$ 1446.00 (filing fee) and \$40.00 (assgmt recordal) Initials: KMM/mgp
Express Mail No. EL 738800818 US

17497 U.S. PTO
10/771679



✓



COMBINED DECLARATION AND POWER OF ATTORNEY
IN ORIGINAL APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

CONTAINER ASSEMBLY AND METHOD FOR MAKING ASSEMBLY

filed concurrently herewith.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed: NONE

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed:

Serial No.	Filing Date
60/444,404	February 3, 2003

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application: NONE.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

NAME	REG. NO.	NAME	REG. NO.	NAME	REG. NO.
David W. Highet	30,265	Nanette S. Thomas	33,310	Bruce S. Weintraub	34,277
Eric M. Lee	30,471	Alan W. Fiedler	33,690	James J. Murtha	35,769
Scott J. Rittman	39,010	Kathleen Dal Bon	29,829	Douglas A. Petry	35,211
Stasia Ogden	36,228	Jaconda Wagner	42,207	David M. Fortunato	42,548
Allan M. Kiang	42,725	Jeanne P. Lukasavage	45,172	John L. Voellmicke	30,348
Kirk M. Miles	37,891	William H. Logsdon	22,132	Russell D. Orkin	25,363
David C. Hanson	23,034	Frederick B. Ziesenheim	19,438	Richard L. Byrne	28,498
Kent E. Baldauf	25,826	Barbara E. Johnson	31,198	Paul M. Reznick	33,059


NAME	REG. NO.	NAME	REG. NO.	NAME	REG. NO.
John W. McIlvaine	34,219	Kent E. Baldauf, Jr.	36,082	Julie W. Meder	36,216
Lester N. Fortney	38,141	Randall A. Notzen	36,882	James G. Porcelli	33,757
Christian E. Schuster	43,908	Jessica M. Schroth	47,102	Gwen Acker-Wood	51,027
Nathan J. Prepelka	43,016	Darrell E. Williams	45,222	J. Matthew Pritchard	46,228
Gary F. Matz	45,504	Patricia A. Olosky	53,411	Alka A. Patel	49,092
Philip J. Foret	51,689	Alex Detschelt	50,261		

CUSTOMER NUMBER: 32182

Address all telephone calls to **Kirk M. Miles, Esq.**, at telephone number (412) 471-8815.

Address all correspondence to **Kirk M. Miles, Esq.**, WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C., 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815.

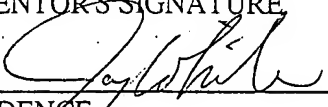
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR	
Judith Reichenbach	
INVENTOR'S SIGNATURE	DATE
	2 Feb 04
RESIDENCE	
17 Van Dyk Place, Pompton Plains, New Jersey 07444	
CITIZENSHIP	
U.S.A.	
POST OFFICE ADDRESS	
17 Van Dyk Place, Pompton Plains, New Jersey 07444	

* Before signing this declaration each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF INVENTOR	
Jay White	
INVENTOR'S SIGNATURE	DATE
	2-2-04
RESIDENCE	
1321 7 th Street, Columbus, Nebraska 68601	
CITIZENSHIP	
U.S.A.	
POST OFFICE ADDRESS	
1321 7 th Street, Columbus, Nebraska 68601	

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FULL NAME OF INVENTOR	
Dimitrios Manoussakis	
INVENTOR'S SIGNATURE	DATE
<i>D. Manoussakis</i>	2/2/04
RESIDENCE	
2 Colonial Drive, Wyckoff, New Jersey 07481	
CITIZENSHIP	
U.S.A.	
POST OFFICE ADDRESS	
2 Colonial Drive, Wyckoff, New Jersey 07481	

* Before signing this declaration each person signing must:

1. Review the declaration and verify the correctness of all information therein; and
2. Review the specification and the claims, including any amendments made to the claims.

Fee Collection

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Sale

Mailroom Dt:

020304

Received Dt:

020504

Type:

1

Name/Number:

10771679

Attorney Docket No.:

3896-040076 (P-5974)

Fee Entry

Fee Code:

1

Fee Amount:

Quantity:

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Print:

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Fee Code	St	Fee Amount	Qty	Partial	Extended Amount	Dep. Act Amount	Other Amount	Print
1001	A	770.00	1		770.00		770.00	B
1201	A	86.00	2		172.00		172.00	C
1202	A	18.00	28		504.00		504.00	C

TOTAL: \$1,446.00

\$1,446.00

Balance Owed:

Excess Payment Balance:

07/09/2004

MGEBREM1 32